IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

RICHARD CALVIN GIPSON,		§	
		§	
77.1.4100		§	
Plaintiff,		§	
		§	Case No. 6:18-CV-561-JDK-JDL
v.		§	
		§	
AMERICAN FAMILY	LIFE	§	
ASSURANCE COMPANY	OF	8	
COLUMBUS,		§	
Defendants.		§	
		§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On November 6, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 31), recommending that the action be dismissed with prejudice for lack of federal subject-matter jurisdiction. A return receipt indicating delivery to Plaintiff was received by the Clerk on November 14, 2019 (Docket No. 32).

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*) *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they

are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objection to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 31) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 31) be **ADOPTED** and that the above-styled civil action be **DISMISSED WITHOUT PREJUDICE** for lack of federal subject-matter jurisdiction. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **4th** day of **December**, **2019**.

JER MY D KERNODLE

UNITED STATES DISTRICT JUDGE